UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/46
23 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 12(a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by the European Women's Lobby,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200-00469*

ENG

1. Women's human rights and equality are intrinsically linked. Particular forms of human rights violations constitute persistent barriers for fulfilling women's enjoyment of their rights. Violence against women is one such area.

2. As defined in the Beijing Platform of Action, violence against women is defined as any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women. This broad definition encompasses all forms of violence against women, including forms of abuse, which are gradually being recognised as issues of concern, notably, psychological violence. This definition also recognises that violence against women, particularly in the context of an intimate relationship, is part of a continuum and rarely the result of a once-off act.

3. A study carried out by the EWL in 1999 on domestic violence in the European Union (EU) reached the conclusion that 1 in 4 women in the EU experience some form of violence by their intimate male partner. 95% of all acts of violence take place within the home.

4. Moreover, some women and specific groups of women are particularly vulnerable to violence, such as women in situations of armed conflict, refugee women and migrant women, women in custody, women living under fundamentalism, women with disabilities and older women, indigenous women, lesbian and women from ethnic minorities.

5. Some women, simply because they are women, experience specific forms of persecution which are not recognised as a violation of their fundamental human rights and their integrity. Cultural explanations are still used to excuse these forms violations.

6. With globalisation of the market, the sex industry has developed into one of the most profitable business in the world. The international organised criminal networks are taking advantage of poverty, lack of opportunities, violence experienced by women while legal migration possibilities in most EU countries have either decreased or ceased. Women from Eastern Europe and former Soviet Union are trafficked into the countries of the EU with false promises to work when in fact they end up sexually exploited, deprived of their freedoms and their minimum rights. This extreme form of violation is in parallel to the increase in demand of the sex market. Based on its motion on prostitution and trafficking in women, adopted in 1998, the European Women's Lobby strongly states that:
   - Prostitution and trafficking in women constitute a fundamental violation of women's human rights.
   - Prostitution and Trafficking in women should not be associated with the terms "forced" or "free".
   - It should be recognised that "free choice" is a relative factor, situated at the intersection of economic, social, cultural and political options of women in a given society. Inequality severely restricts freedom of choice.

7. The EWL wishes to stress the vital importance of mainstreaming gender into all Human Rights actions, programmes and policies. In this context the EWL makes some general recommendations to the European Union and Member States and calls on them to work in close collaboration with civil society, and especially women's non-governmental organisations in order to seek their expertise to take a lead in the area of Human rights and to combat violence against women.

Therefore, the European Women's Lobby calls on the Commission to:

- Call upon the states which have not yet done so to ratify the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and to ratify the optional Protocol

- Recommend that Governments include in all bi-lateral, sub-regional, regional and international commitments to address the problem of trafficking in women with specific reference to the newly adopted UN Convention on International Crime and its Protocol on Trafficking in Human Beings as well as the 1949 UN "Convention on the Suppression of the Traffic in persons and the exploitation of the Prostitution of others".

- Call upon the states which have not yet done so to ratify as soon as possible the Rome Statute to establish the International Criminal Court. This international instrument is the first international instrument, which recognises rape as a war crime.

- Formally request the states to adopt an asylum policy which recognises gender specific violations of human rights. Forced marriages, FGM, honour killing, the persecution of family members of political opponents, rape as a war crime are only examples of the type of persecutions which should be recognised as legitimate causes for granting asylum.

- Prostitution and trafficking in women: the EWL urges the Commission to state clearly that prostitution and trafficking in women for the purpose of prostitution and sexual exploitation violate the human rights of women. Therefore, any justification to the question of consent to prostitution should be rejected. In countries legalising prostitution, for example, in the Netherlands, Germany, and Greece, there has been a growth in trafficking and other related crimes. To legalise prostitution is to give up a vital part of the fight for women's human rights. The EWL calls upon the Special rapporteur on Violence against Women to enlarge her consultation with women's NGOs, to ensure that a broad scope of NGOs, notably those opposing legalisation, also get the opportunity to contribute to the debate on the legalisation of prostitution. Broad based women's NGOs, and notably those regrouped in the International Human Rights Network have

often publicly presented their comments and would like to see them taken into account in the report.

- Call upon the European Union and the Member States to recognise the role of the civil society and NGO's fighting for Human Rights and against violence against women and to make a commitment to strengthen the dialogue and co-operation with them. NGOs should be involved and consulted by the EU in the elaboration and implementation of policies aimed at combatting all forms of violence against women and to ensure the participation of NGOs as partners.